

**DECLARATION OF DAVID HAUSMAN**

I, David Hausman, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am an attorney at the American Civil Liberties Union Immigrants' Rights Project.

2. Because the spreadsheets described below would be millions of pages in length if printed or saved in paginated format, it is impractical to submit copies of the spreadsheets to the Court. As a result, pursuant to Federal Rule of Evidence 1006, this declaration contains a summary of the contents of the spreadsheets.

*Immigration Court Data Concerning Applicants for Persecution-Related Relief*

3. To calculate the numbers below, I used spreadsheets downloaded from the website of the Executive Office for Immigration Review ("EOIR"), [www.justice.gov/eoir](http://www.justice.gov/eoir). EOIR made these spreadsheets available pursuant to the FOIA Improvement Act of 2016 at a link labeled "EOIR Case Data (January 2019)." The spreadsheets track immigration proceedings and record the detention status of respondents. January 2019 is the most recent full month included in those spreadsheets.

4. In order to calculate the numbers below, I identified, in the spreadsheet tracking proceedings, all removal cases whose latest proceeding completion date—i.e., the latest date on which the immigration judge reached a decision in the case—was between January 1, 2010 and February 1, 2019. I then matched these entries with the spreadsheets tracking immigration charges, bond hearings, applications for relief, and appeals.

5. In order to identify cases that are similar to those of the Bond Hearing Class members in this case, I identified cases in which the individual was 1) charged with entry without inspection and 2) applied for asylum, withholding of removal, and/or relief under the Convention Against Torture. I considered individuals in this group in all the paragraphs below.

6. I first considered a subset of these cases concerning individuals who were not detained at the time of the final decision in their case. Of those 139,412 cases, 67,378—or approximately 48%—ended (either at the immigration court or at the Board of Immigration Appeals) with the individual obtaining permission to remain in the United States.

7. Next, I considered individuals who *were* detained throughout their proceedings. There were 26,860 such cases during this period. Among these cases, 1,520 cases—or 6%—ended with the individual obtaining permission to remain in the United States.

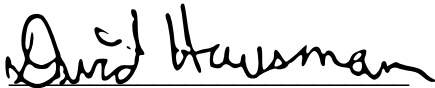
8. Among these same cases—where individuals were detained throughout their proceedings—the median case length (from date of issuance of the Notice to Appear to final completion date by the immigration judge) was 171 days if neither the individual nor the government appealed to the BIA, or approximately five months. Where a party did appeal to the BIA, the median case length was 343 days, or more than 11 months.

9. Finally, I considered the cases of individuals whom Immigration and Customs Enforcement detained, but who had a bond redetermination hearing before an immigration judge. There were 40,149 such cases. In 49% of those cases, the immigration judge set a bond.

10. Among the 16,620 individuals who had a bond hearing and were marked as released by the time their case was completed, 4,952—or 30%—ended with the individual obtaining permission to remain in the United States.

I declare under penalty of perjury of the laws of the State of Washington and the United States that the foregoing is true and correct.

Executed on May 20, 2019.

  
David Hausman

**CERTIFICATE OF SERVICE**

I hereby certify that on May 28, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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And I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: None.

Dated: May 28, 2019.

s/ Leila Kang  
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